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Letter dated 8 November 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Indonesia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the texts of four resolutions adopted by the 104th Conference of the Inter-Parliamentary Union, which was convened at Jakarta, from 15 to 21 October 2000 (see annex).* These resolutions are entitled:

1. "The prevention of military and other coups against democratically elected Governments and against the free will of the peoples expressed through direct suffrage, and action to address grave violations of the human rights of parliamentarians"

2. "Financing for development and a new paradigm of economic and social development designed to eradicate poverty"

3. "Bringing an end to the tension and violence in the Middle East, protecting civilians in accordance with the Fourth Geneva Convention, and action to save the peace process in accordance with the relevant United Nations resolutions"

4. "Are embargoes and economic sanctions still ethically acceptable, do they still work, and are they suited to achieving their purpose in an ever more globalised world?"

I should be appreciative if you would circulate the aforementioned resolutions as a document of the General Assembly, under agenda item 26, and of the Security Council.

(*Signed*) Makmur **Widodo**
Ambassador
Deputy Permanent Representative
Chargé d'affaires a.i.

* The annex is being circulated in the languages of submission only.

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Annex to the letter dated 8 November 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Indonesia to the United Nations addressed to the Secretary-General

[Original: English and French]

INTER-PARLIAMENTARY UNION

THE PREVENTION OF MILITARY AND OTHER COUPS AGAINST DEMOCRATICALLY ELECTED GOVERNMENTS AND AGAINST THE FREE WILL OF THE PEOPLES EXPRESSED THROUGH DIRECT SUFFRAGE, AND ACTION TO ADDRESS GRAVE VIOLATIONS OF THE HUMAN RIGHTS OF PARLIAMENTARIANS

Resolution adopted without a vote by the 104th Conference (Jakarta, 20 October 2000)

The 104th Inter-Parliamentary Conference,

Reaffirming that the maintenance of constitutional democracy is of fundamental importance to the human rights of peoples, in particular their right to be governed by representatives that they have elected freely,

Noting that military and other coercive means of removing democratically elected governments strike at the very heart both of these rights and of the principles of the Inter-Parliamentary Union, and must be condemned,

Emphasising that the Inter-Parliamentary Union has been an active advocate of parliamentary democracy, and *recalling* that the Inter-Parliamentary Council adopted a *Universal Declaration on Democracy* in Cairo in 1997 and a *Declaration on Criteria for Free and Fair Elections* in Paris in 1994, and that these supplemented the principles of many international instruments, including the *Universal Declaration of Human Rights*,

Convinced that a parliament elected freely and fairly is the best guarantee of human dignity and the prosperity of citizens,

Further convinced that for an open democratic system to function properly, the right to vote and to stand for election, the right to form associations and parties, the right of free speech and equitable access to the media, and the right to assemble and demonstrate peacefully are essential,

Recognising that one of the essential means of preventing threats to democracy is to ensure the full participation of all sectors of society, including women, minorities and vulnerable groups, in democratic processes,

Further recognising the need to ensure the restoration of democracy in countries where the legitimate government has been overthrown and *urging* authoritarian regimes to carry out the necessary political transformation,

Stressing that the Inter-Parliamentary Union should play a leading role in the prevention of coups and should call on Governments to strengthen democracy, to promote human rights and to support dialogue and negotiation in the settlement of internal disputes as a way of addressing the cause of divisions that lead to attempts to overthrow democratic governments,

Emphasising that no comfort or encouragement should be given to those involved in the undemocratic overthrow of governments, and *recognising* the need for the international isolation of such regimes by means of effective sanctions and other appropriate practical measures, and the restoration of legitimate, democratically elected governments,

Reasserting that the rights of parliamentarians must be protected if they are to protect and promote human rights and fundamental freedoms in their respective countries, and *acknowledging* in this regard the successful work undertaken by the IPU Committee on the Human Rights of Parliamentarians,

CONDEMNATION

1. *Strongly condemns* all attempts, successful or otherwise, to overthrow democratically elected governments by military or other undemocratic means;

2. *Vigorously condemns* all individuals who abuse the human rights of parliamentarians and other citizens in the course of their involvement in military and other coups;

3. *Urges* all parliaments to exhort their respective governments to bring about the international isolation of regimes which come to power through the undemocratic overthrow of elected governments, by considering the application of effective sanctions and other practical measures;

4. *Calls on* all parliaments to adopt, where feasible, new legislation and/or constitutional amendments strictly to enforce appropriate punishment for individuals involved in the undemocratic overthrow of elected governments, particularly when violence is used and to ensure to that end that the punishment of such acts may be neither quashed nor subject to a statute of limitations;

PREVENTION

5. *Further calls on* parliaments to urge governments to direct the international and regional organisations to which they belong to promote a culture of democracy, good governance and democratic rights of citizens;

6. *Urges* all parliaments and governments to rise above any differences that may exist between ruling and opposition parties and to unite in resisting all attempts and actions aimed at destroying the system of parliamentary democracy by force of arms or other forcible measures;

7. *Stresses* the important and vital role of education in the formation of a democratic culture of peace and non-violence;

8. *Urges* all parliaments and governments to ensure the full and equitable participation of all sectors of society, including women, minorities and vulnerable groups, in democratic and democratisation processes;

9. *Further urges* all parliaments and governments to ensure that bodies responsible for security, particularly the security forces, are accountable both to elected civil authorities and to civil society, and that they operate in accordance with the rule of national and international law;

10. *Recommends* that all States strengthen democracy, promote human rights as well as human security and favour dialogue and negotiation in the settlement of internal disputes as a way of addressing the cause of divisions that lead to attempts to overthrow democratic governments;

ACTION BY THE INTER-PARLIAMENTARY UNION

11. *Commends* the Committee on the Human Rights of Parliamentarians for its invaluable work in defending the human rights of members of parliament, and *calls on* all member parliaments actively to support its work, particularly through appropriate follow-up action on individual cases of human rights violations suffered by fellow parliamentarians which the Committee examines under its public procedure;

12. *Urges* the IPU to play a special role through the use of the Internet (electronic mail, Web sites) and other cost-effective yet persuasive modes of mass communication, to provide a venue that encourages the early reporting of human rights violations so that parliamentarians can take swift action to protect the rights of parliamentarians and other citizens around the world;

13. *Requests* the Secretary General of the IPU to examine the feasibility of establishing a mechanism for monitoring and denouncing violations of human rights and civil liberties, and subsequently to report to the governing bodies of the IPU at their next session.

A/55/621
S/2000/1089

INTER-PARLIAMENTARY UNION

FINANCING FOR DEVELOPMENT AND A NEW PARADIGM OF ECONOMIC AND SOCIAL DEVELOPMENT DESIGNED TO ERADICATE POVERTY

Resolution adopted without a vote by the 104th Conference (Jakarta, 20 October 2000)

The 104th Inter-Parliamentary Conference,

Recognising that poverty is the result of various economic, political, social and institutional processes that interact with each other and may reinforce each other in ways that can make the poor even more destitute,

Further recognising that, more than inadequate income or human development, poverty is also vulnerability and a lack of voice, power and representation,

Conscious that, today, more than a billion people live in absolute poverty and have been marginalised within society, thus being denied the opportunity to participate in productive economic life, and that in particular the number of women living in poverty has increased,

Deploring the fact that, whereas three billion men and women live on less than two dollars a day, the official development assistance provided by the majority of rich countries has declined sharply in recent years, thereby depriving the poor countries of the means to finance their development,

Affirming that far too much money from the funds received for development aid goes into repaying debts, particularly in the case of heavily indebted poor countries (HIPCs),

Considering that the private capital flows that have grown rapidly in the past two decades are concentrated in a few developing countries, leaving most of the others largely dependent on official aid,

Noting that the domestic savings of the poor countries are all too often invested in unproductive expenditure and are attracted by the large capital markets of the rich countries,

Considering that trade barriers erected by industrialised countries and between developing countries severely impair the latter's economic growth and that the resulting loss of income is more than double the total amount of development assistance,

Convinced that, in some developing countries, progress is hampered by a lack of good governance,

Recalling IPU resolutions, particularly those adopted by the 73rd Inter-Parliamentary Conference (Lomé, 1985) on the role of parliaments and their contribution towards the elimination of poverty by eliminating the burden of international debt; the 74th Inter-Parliamentary Conference (Ottawa, 1985) on the contribution of parliaments to the search for measures and actions aimed at removing the burden of foreign debt that weighs on the developing countries; the 88th Inter-Parliamentary Conference (Stockholm, 1992) on the need for a radical solution to the problem of debt in the developing world; and the 102nd Inter-Parliamentary Conference (Berlin, 1999) on the need to revise the current global financial and economic model, as well as the Final Document of the Inter-Parliamentary Conference "North-South Dialogue for Global Prosperity" organised by IPU in Ottawa in 1993,

Approving the solemn commitments made by the United Nations, the World Bank and the IMF to make poverty eradication and debt alleviation for the least developed countries one of the essential priorities of their activities,

Welcoming the preparations under way for the High-Level Intergovernmental Event on Financing for Development to be held by the United Nations in 2001, and *also welcoming* all regional initiatives that seek to combat poverty and that mobilise a large number of countries with the support of international financial institutions,

Noting that the Fourth World Conference on Women defined equality between men and women as a human rights issue and as a condition for the existence of social justice,

Calls on both developed and developing countries to pursue development with a human face through economic development measures such as credit facilities for small and medium-sized enterprises, small-scale financing initiatives and household debt relief, and through initiatives in fields such as the development of health and education systems and services, the protection of human rights and environmental conservation, in the interests of human security;

Supports the introduction of such new approaches to sustainable development in the context of globalisation as would ensure economic growth, environmental protection and social development, including the creation of new jobs, while preserving the resources necessary for future generations;

Urges both developed and developing countries to promote policy dialogue on development, to aim at establishing democratic systems, good governance and high standards of transparency and to acknowledge the role of civil society and NGOs;

Urges the developed countries to provide efficient official development assistance tailored to the conditions of developing countries and to honour the commitment they have made several times to devote 0.7 per cent of their GNP to official development assistance;

Urges the developing countries to take measures to ensure that such assistance benefits the truly needy;

Stresses that debt cancellation for HIPCs and debt relief for other developing countries should be granted immediately and focus almost exclusively on poverty reduction measures that take account of the predicament of women, especially in rural areas, and on the eradication of inequalities;

Endorses proposals aimed at stemming short-term capital flows which have especially dramatic consequences for production in developing countries, and in particular *supports* the idea of a tax on short-term capital flows that could be allocated to a world solidarity fund managed by the United Nations, and *requests* the Inter-Parliamentary Union to invite the international financial institutions to present a report on the technical arrangements for, and the consequences of, the establishment of such a tax at the next Inter-Parliamentary Conference in Cuba;

Urges recipient countries to develop legal and social frameworks to ensure that the funds made available are effectively used for social and economic development and for the welfare of the people;

Endorses the call made by the international community in the 20/20 Initiative for 20 per cent of donor countries' official development assistance to be used to combat poverty and 20 per cent of the recipient countries' public expenditure to be used for basic social services, such as education, health and housing;

Stresses the need to direct national efforts away from military priorities and international trade in weapons, and towards more productive and peaceful objectives, bearing national security implications in mind;

Reaffirms that the struggle against poverty and inequality requires the existence of an effective, democratic and transparent State which is respectful of human rights; and *emphasises* that this struggle must promote civil and political liberties in order to empower the poor to claim their social, economic and cultural rights, and must also combat corruption, which always hits the poor hardest;

Urges the world's parliamentarians to play a central role in the implementation of development assistance measures, both at home and in the international arena.

INTER-PARLIAMENTARY UNION

BRINGING AN END TO THE TENSION AND VIOLENCE IN THE MIDDLE EAST, PROTECTING CIVILIANS IN ACCORDANCE WITH THE FOURTH GENEVA CONVENTION, AND ACTION TO SAVE THE PEACE PROCESS IN ACCORDANCE WITH THE RELEVANT UNITED NATIONS RESOLUTIONS

Resolution adopted by the 104th Conference
by 987 votes to 61, with 131 abstentions
(Jakarta, 19 October 2000)

The 104th Inter-Parliamentary Conference,

Recalling its resolution on Jerusalem adopted in Seoul (97th Conference, April 1997) and its resolutions adopted in Amman (103rd Conference, April 2000),

Recalling also UN Security Council resolutions 476 (1980), 478 (1980), 672 (1990), 1073 (1996) and 1322 (2000), and all its other relevant resolutions,

Recalling further the internationally recognised principles of human rights law enshrined in various United Nations Declarations and Conventions and repeatedly endorsed by the Inter-Parliamentary Union,

Asserting the applicability of international humanitarian law, in particular the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

Deeply concerned by the tragic events that have occurred in the Palestinian territories in particular since the provocative visit of Mr. Ariel Sharon to Al-Haram Al-Sharif in Jerusalem on 28 September 2000, and which have led to numerous deaths and injuries mostly among the Palestinians, due to excessive use of force by the Israeli army in the occupied territories,

Reaffirming that a just and lasting solution to the Arab-Israeli conflict must be based on UN Security Council resolutions 242 (1967), 338 (1973) and UN General Assembly resolution 194 (1948), and on an active process of negotiation which takes account of the legitimate rights of the Palestinian people, including the right to self-determination and to the establishment of an independent State,

Expressing its support for the Middle East peace process and the efforts to reach a final settlement between the Israeli and Palestinian sides, and *urging* the two sides to cooperate in these efforts,

Taking into account the declaration of 17 October by the parties gathered at Sharm el-Sheik who have publicly stated their determination to stop the violence and undertake concrete measures to prevent a recurrence of recent events,

Reaffirming the need for full respect by all of the holy places of the city of Jerusalem, and *condemning* any behaviour to the contrary,

1. *Condemns* all acts of provocation that threaten the peace process and international efforts to establish a just and comprehensive peace;

2. *Deeply deplores* the tragic events that have taken place in the Palestinian territories which have led to an alarming upsurge in the Arab-Israeli conflict since the provocative visit of Mr. Ariel Sharon to Al-Haram Al-Sharif in Jerusalem on 28 September 2000;

3. *Denounces* the acts of violence committed in the occupied territories by the Israeli military forces and their excessive use of force which have already resulted in over 120 deaths and more than 4,000 casualties, mostly among the Palestinians and including innocent civilians;

4. *Urges* Israel to fulfil its commitment to cease all military actions, to lift the blockade of the Palestinian territories and to restore the situation which existed prior to the current crisis;

5. *Calls on* the Israeli Government and the Palestinian National Authority henceforth to prevent any acts of violence;

6. *Calls also on* Israel, the Occupying Power, to abide scrupulously by its legal obligations and its responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to all the Arab territories occupied by Israel since 1967;

7. *Calls further on* the parties to secure a return to normality so as to improve the prospects for the Middle East peace process in keeping with the principle of land for peace and UN Security Council resolutions 242 and 338;

8. *Welcomes* and *supports* the intentions announced in the 17 October meeting in Sharm el-Sheik to establish an international commission of inquiry, with the support of the United

Nations, for a speedy and objective inquiry into the tragic events of the past few days with the aim of preventing their recurrence;

9. *Calls on* the two parties to resume substantive negotiations and to do everything possible to achieve lasting peace;

10. *Calls also on* all forces for peace to mobilise internationally in order to turn the region into a zone of peace and shared prosperity;

11. *Welcomes* the encouraging results of the Sharm el-Sheik talks as an important step towards ending violence and resuming the political dialogue, and *calls on* both sides sincerely to fulfil their commitments.

A/55/621
S/2000/1089

INTER-PARLIAMENTARY UNION

ARE EMBARGOES AND ECONOMIC SANCTIONS STILL ETHICALLY ACCEPTABLE, DO THEY STILL WORK, AND ARE THEY SUITED TO ACHIEVING THEIR PURPOSE IN AN EVER MORE GLOBALISED WORLD?

Resolution adopted by the 104th Conference by 834 votes to 245, with 159 abstentions (Jakarta, 20 October 2000)

The 104th Inter-Parliamentary Conference,

Reaffirming the principles and objectives of the United Nations Charter and the r played by the United Nations in the maintenance of peace and security,

Recalling that during the 1990s, the use of sanctions, and particularly economic sanctio under Article 41 of the United Nations Charter became much more frequent than in previous decad and *also recalling* Article 1.3 of the United Nations Charter,

Considering that the international community has now acquired sufficient experience this field to move on to evaluating such measures,

Welcoming the discussions on this matter in the United Nations and the Security Cour in particular, and *commending* the remarkable research and thinking done in this connection at initiative of some governments and by non-governmental organisations,

Convinced of the need to safeguard the universality of measures taken by the Uni Nations and to remove all obstacles to it, and *concerned* that the outcome of economic sanctio applied by the United Nations is not always successful and that some sanction regimes are stron contested, which is arousing growing scepticism and mistrust about an instrument that is meant to used by the Security Council to ensure international peace and security,

Mindful that the application by member States of sanctions adopted by the Secu Council often leaves much to be desired,

Aware that economic sanctions have humanitarian repercussions, which are aggravated in a globalised world characterised by economic inter-dependence, and have contributed more than anything else to undermining public support for sanctions,

Underscoring that comprehensive sanction regimes in particular have a negative impact on living conditions in the country they are aimed at which tends to go beyond the bounds of the acceptable, given that they strike the population indiscriminately, whereas their purpose is to induce the government (or, as the case may be, certain non-State players involved in a conflict) to respect the resolutions of the Security Council,

Considering that the undesired effects on the population are increased greatly when comprehensive sanctions are applied for an indefinite period, or when they are imposed on developing countries, which lack the necessary resources to contain these effects,

Mindful of the negative impact that economic sanctions imposed by the United Nations have on third party States which are trading partners of the State under sanctions, and in particular on neighbouring countries, which often suffer considerable losses and receive insufficient assistance from the rest of the international community despite the provisions of Article 50 of the United Nations Charter,

Stressing the need to distinguish clearly between sanctions adopted by the Security Council and those used by States, acting unilaterally or together, as an instrument of their foreign policy,

Underscoring that, while the United Nations Charter does not challenge the sovereign right of each country (or group of countries) to decide with which other countries it maintains economic and trade relations and hence to interrupt such relations with another country as it sees fit, in order to mark its disagreement with the policy conducted by a given country, it is no less true that:

(a) Economic sanctions of this type can never be binding on third party countries or their nationals,

(b) The United Nations Security Council and General Assembly are competent to assess these sanctions from the point of view of international peace and security, in conformity with Articles 34 and 35 of the United Nations Charter,

(c) Unilateral sanctions inflict unwarranted suffering on the people of the countries concerned, particularly women, children and the elderly, who are increasingly affected by them,

Deploring the use of unilateral sanctions as an instrument to advance foreign policy and ulterior objectives,

Noting that the status in international law of the instrument of economic sanctions - whether imposed by the United Nations or by States - does not cover the whole range of their collateral consequences, as far as humanitarian requirements and the negative impact on third countries are concerned,

1. *Considers* that economic sanctions should be avoided as far as possible but that they may be a useful and legitimate instrument to enable the Security Council to ensure international peace and security and, that whenever they have to be imposed, they should be carefully devised and properly implemented;

2. *Stresses* that the principle of international solidarity must apply both when implementing sanctions and in minimising their humanitarian repercussions and economic impact on third countries;

3. In order to make the United Nations sanctions more effective and just and to ensure that they are universally accepted and applied, *makes* the following recommendations, in particular:

(a) The establishment of economic sanctions by the Security Council must be based on a clear concept of all the resources at the Council's disposal to get a recalcitrant State to respect its resolutions, and sanctions should not be an easy answer adopted instead of other measures which would be more appropriate under the circumstances but require a greater effort by the international community;

(b) The design of the sanctions themselves must be considerably improved:

- Objectives must be clearly defined and realistic, which implies that objective criteria for the partial or full lifting of sanctions must be stipulated at the outset;

- The activities subject to restrictions must also be defined as precisely as possible, in order to avoid any ambiguity as to the scope of sanctions and thus facilitate their application, particularly when arms embargoes or financial restrictions are involved;

- Comprehensive economic sanctions are to be avoided as far as possible because they inflict suffering on too many innocent persons; the preferred solution is targeted sanctions which directly affect the political leaders of the country in question; such approaches are particularly suited to financial sanctions (e.g. freezing bank accounts abroad), travel restrictions and arms embargoes;

- Regardless of the type of sanctions, the Security Council must assess the undesired impact of the sanctions it intends to impose, evaluating both their humanitarian impact on the population of the country concerned and their economic impact on other countries, particularly neighbouring ones;

- Provision should be made from the start for humanitarian exceptions in order to protect the most vulnerable groups in the country concerned;

- A mechanism should be established to compensate third countries for the losses suffered;

- Sanctions must be imposed for a given duration, in order to guarantee that their prolonged application is supported by the same majority in the Security Council as the initial decision required for their introduction;

(c) Once introduced, the sanctions must be closely monitored by the Security Council, which requires considerable strengthening of the UN Secretariat's sanctions management capacity; such monitoring must cover three aspects:

- The achievement of the sanctions' objectives, i.e., the extent to which the country concerned complies with the relevant Security Council resolutions;

- The application of sanctions by the UN member States required to apply them;

- The development of undesired consequences of sanctions for the population of the country concerned and for third party countries;

(d) The Security Council must take into consideration the results of the monitoring of sanctions; more particularly it must be prepared to adapt if need be the sanction regime initially adopted (depending in particular on the behaviour of the country concerned) and to take the necessary accompanying measures (particularly to offset undesired effects); recorded violations of sanctions, particularly arms embargoes, must be made public and those responsible identified, whether States or other entities;

4. *Calls on* the Security Council to lift the United Nations sanctions of a global economic nature, including those imposed on Iraq, and to reassess all other sanction regimes currently in force in the light of the principles set above;

5. *Urges* all States to comply with the sanctions imposed by the United Nations and to adopt the necessary legislation in order to penalise violations of sanctions, and of arms embargoes in particular;

6. *Invites* regional and sub-regional organisations to contribute to the implementation of sanctions imposed by the United Nations, by seeking harmonised application of sanctions by their member States, by cooperating with the sanctions committees of the Security Council in monitoring the application of sanctions by these States, or by other means;

7. *Calls on* States to exercise the utmost circumspection when using economic sanctions within the framework of their foreign policy, to remain attentive to the humanitarian repercussions of such measures, which may be enormous, as can be seen from the case of Burundi, and to refrain in any event from actions which are contrary to the will of the international community, as expressed by the United Nations General Assembly or Security Council;

8. *Categorically opposes* the adoption, by a State (or group of States), of laws or other measures with extraterritorial effect which are aimed at obliging third party States or their nationals to apply economic sanctions adopted by it, as occurred in the case of Cuba;

9. *Demands* that medicines and foodstuffs be systematically excluded from any multilateral or unilateral sanctions imposed on any country;

10. *Urges* States to envisage the elaboration, within the framework of the United Nations, of an instrument of international law codifying the humanitarian standards to be respected when economic sanctions are introduced, whether by the United Nations or by States, and providing for possibilities of appeal to a juridical body;

11. *Calls on* parliaments and parliamentarians to exercise fully their legislative function and their right of oversight vis-à-vis their governments with regard to questions relating to economic sanctions.